

# HOUSE . . . . . No. 3448

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By Mr. LeDuc of Marlborough, petition of Stephen P. LeDuc and others relative to birth, marriage and death records. Public Health.

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## The Commonwealth of Massachusetts

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### PETITION OF:

Stephen P. LeDuc                      Jack Gracey  
Pamela P. Resor

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In the Year Two Thousand and Five.

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AN ACT RELATIVE TO BIRTH, MARRIAGE AND DEATH RECORDS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1     SECTION 1. Section 4 of chapter 17 of the General Laws, as  
2     appearing in the 2004 Official Edition, is hereby amended by  
3     striking out the second paragraph and inserting in place thereof  
4     the following paragraph:—  
5     There shall also be in the department a registry of vital records  
6     and statistics which may be located within such bureau as the  
7     commissioner deems to be appropriate. The commissioner shall  
8     appoint a state registrar, subject to approval of the public health  
9     council. The registrar shall be subject to chapter 31 and shall,  
10    under the supervision of the commissioner, enforce all laws  
11    relative to the registry and return of births, marriages, deaths and  
12    adjudications and may prosecute in the name of the common-  
13    wealth any violations thereof. The special vital records and statis-  
14    tics committee established under section 31 of chapter 46, shall  
15    promulgate rules and regulations relative to the registry and return  
16    of birth, marriages and deaths including but not limited to the  
17    operation of the registry of vital statistics and to insure the histor-  
18    ical access to the records. A public hearing must be held for each  
19    regulation proposed and the public must be notified at least 21  
20    days prior to any public hearing pursuant to section 2 of chapter

21 30A by publishing such notice at least twice in major newspapers  
22 throughout the Commonwealth. In addition to compliance with  
23 section 2 of chapter 30A, the commissioner shall send notice of  
24 such hearing to all city and town clerks; the Secretary of the Com-  
25 monwealth; the Archivist of the Commonwealth; the executive  
26 director of the New England Historic Genealogical Society; the  
27 Director of the Massachusetts Historical Society; the directors of  
28 the Massachusetts Hospital Association, the Massachusetts Med-  
29 ical Society, the Massachusetts Funeral Directors Association, the  
30 Director of Civil Records for the Massachusetts Genealogical  
31 Council; and the Executive Director of the Massachusetts News-  
32 paper Publishers Association.

1 SECTION 2. Section 1A of said chapter 46 as so appearing, is  
2 hereby further amended by striking out, in line 8 the word “com-  
3 missioner” and inserting in place thereof the following word:—  
4 “department”.

1 SECTION 3. Section 1D of said chapter 46, as so appearing, is  
2 hereby repealed.

1 SECTION 4. Section 1E, of said chapter 46, as so appearing, is  
2 hereby amended by inserting after the word “births”, in line 4, the  
3 following words “or deaths”.

1 SECTION 5. Section 1E of said chapter 46, as so appearing, is  
2 hereby further amended by inserting the following eight subsec-  
3 tions:—

4 (j) “Town” an incorporated city or town in the commonwealth.

5 (k) “System of vital records and statistics”, the registration, col-  
6 lection, preservation, reproduction, examination, amendment,  
7 storage, issuance, and certification of vital records; the collection  
8 of other reports required by this chapter; and activities related  
9 thereto including the tabulation, analysis, publication and dissemi-  
10 nation of vital statistics.

11 (1) “Vital records” means certificates of birth, death, marriage,  
12 and acknowledgements and adjudications of paternity and data  
13 related thereto.

14 (m) “Vital reports” means reports of fetal death, divorce, disso-  
15 lution of marriage or annulment, and data related thereto.

16 (n) “Immediate disposition” means the burial, interment, cre-  
17 mation, removal from state, or other authorized disposition of a  
18 dead body or fetus.

19 (o) “Delayed registration” is the registration of a birth, death, or  
20 marriage more than 365 days after the event.

21 (p) “Certified copy” is a certified copy issued as prescribed by  
22 section two A, subsection (3) for legal purposes including, but not  
23 limited to, obtaining a passport, entering school, or proof of age  
24 for state, federal, or local entitlement or benefit programs.

25 (q) “Special certified copy” is a certified copy issued for  
26 general information purposes, as prescribed by section 2A, sub-  
27 section (3) rather than for legal purposes. Such purposes may  
28 include, but are not limited to, professional, personal or genealog-  
29 ical research. Such copies shall not be suitable for legal purposes  
30 described in subsection (p) of this section. A special certified copy  
31 shall be labeled to make clear it is not to be used for legal pur-  
32 poses. The base charge for special certified copies issued by the  
33 town clerks or state registrar shall be one-half the cost of certified  
34 copies defined in subsection (p) of this section.

1 SECTION 6. Said chapter 46 is hereby amended by striking out  
2 section 2, as so appearing, and inserting in place thereof the  
3 following section:—

4 Section 2. To facilitate use, the vital records and statistics  
5 system shall incorporate an index. The state registrar and town  
6 clerks shall be responsible for preparing an index of the records  
7 under their jurisdiction. If vital records are automated into a data  
8 base, said data base will fulfill the requirements of such an index.  
9 The state registrar shall make such automated data base available  
10 to the custodians of vital records as defined by subsection (c) of  
11 section 1E, (c) and consistent with restrictions expressed in sub-  
12 section (2) and section 2A and in section 13. At least semiannu-  
13 ally, an updated paper copy of an index on archival paper will be  
14 prepared from the automated data base by the town clerks and  
15 state registrar. The most recent version of the paper index shall  
16 replace all previous versions.

17 Custodians are authorized to reproduce vital records, returns  
18 and reports required under this chapter for transmission to other  
19 custodians, and further for the purpose of preserving the original  
20 copies of vital records and reports.

21 Such reproductions may be prepared in a typewritten, photo-  
22 graphic, micrographic or electronic media or digital media consis-  
23 tent with the regulations of the supervisor of public records. Any  
24 automated database system for electronic storage, reproduction or  
25 examination of vital records must also be approved by the special  
26 vital records and statistics committee and meet any additional reg-  
27 ulations of the supervisor of public records and any regulations  
28 promulgated pursuant to section 4 of chapter 17. Such reproduc-  
29 tions shall have the full force of the original records. The paper  
30 records from which such reproductions have been made shall be  
31 retained as permanent records by the custodian required to main-  
32 tain such vital records.

33 Certified and special certified copies, as defined by section one  
34 E, subsections (p) and (q) may be issued from such reproductions  
35 of the vital records and reports. Such certification shall be denoted  
36 by the seal authorized for the use of the custodian. Such certifica-  
37 tion may occur from a centralized, automated data base of vital  
38 records, including optical imaging, that has been prepared and  
39 managed in accordance with the regulations of the supervisor of  
40 public records. The fee for a certified or special certified copy  
41 issued by any custodian from the centralized, automated data base  
42 for a record not in his or her physical custody, will be established  
43 by the secretary of administration and finance. Any such auto-  
44 mated data base shall contain management controls which insure  
45 the authenticity and the integrity of the information that the orig-  
46 inal records contain. The records in the custody of the archives of  
47 the commonwealth may be issued in a format other than certified  
48 or special certified copies.

1 SECTION 7. Said chapter 46 is hereby amended by striking out  
2 section 2A, as so appearing, and inserting in place thereof the  
3 following section:—

4 Section 2A. (a) On January 1, 2007, and upon mutual arrange-  
5 ment by the archivist of the commonwealth and the state registrar  
6 for an orderly transfer within three years, all records and adjudica-

7 tions of paternity and indices pertaining to births through  
8 December 31, 1925, any amendments to births with indices filed  
9 prior to December 31, 1925, records and indices of marriages and  
10 deaths filed prior to December 31, 1960, and any amendments  
11 including indices to marriages and deaths filed prior to December  
12 31, 1960, then in the custody of the state registrar, shall be trans-  
13 ferred to the custody of the archives of the commonwealth. Until  
14 such time as the physical transfer occurs, these records and  
15 indices remaining at the state registry shall be public records. Sub-  
16 sequently, all records, indices, and amendments of births, adjudi-  
17 cations of paternity, marriages and deaths shall be transferred  
18 from the state registry to the archives on the basis of five year  
19 increments, consistent with chapter 374 acts of 1983, commencing  
20 with January 1, 2011. Funds shall be appropriated from the  
21 general fund yearly for the state archives to pay the associated  
22 costs of proper accession, care and preservation of the transferred  
23 records.

24 Prior to transfer, all records, returns and indices will be  
25 micro-filmed and the permanent paper records to be transferred  
26 shall be made subject to appropriate preservation protocols by the  
27 state registry of vital records and statistics. Those protocols shall  
28 include microfilm and shall be subject to qualitative standards  
29 promulgated by the archivist of the commonwealth through regu-  
30 lations. Prior to public hearing, all such regulations proposed by  
31 the archivist will be reviewed by the special vital records and sta-  
32 tistics committee, established under SECTION 39, subsection 31.

33 At least 21 days prior to any public hearing held pursuant to  
34 section 2 of chapter 30A, the archivist of the commonwealth shall,  
35 send notice of such hearing to all city and town clerks, the New  
36 England Historic Genealogical Society, The Massachusetts  
37 Genealogical Council, the Massachusetts Historical Society, and  
38 the state registrar.

39 Said notice shall be published at least once, at least 21 days  
40 prior to said public hearing in the major newspapers throughout  
41 the commonwealth. Notwithstanding any other provision of this or  
42 any other act, all vital records and indices eligible for transfer to  
43 the archives of the commonwealth and parallel records maintained  
44 by other custodians shall be available for public examination and  
45 abstraction of information as public records.

46 (b) Custodians, upon receipt of a request, shall allow the public  
47 examination of vital records and their indices, and the abstraction  
48 of information from vital records and their indices except as  
49 excluded below. Indices are not to be excluded from examination.  
50 Such examination may be from an automated data base. Custo-  
51 dians, upon the receipt of a request, shall issue to any person  
52 special certified copies except as excluded below. Excluded from  
53 such examination and issuance of special certified copies are  
54 records and returns of births of abnormal sex, and fetal deaths  
55 before a gestational period of at least twenty weeks, regardless of  
56 the custodian issuing or allowing such examination. It shall be  
57 unlawful for any custodian to permit inspection of, or to disclose  
58 information contained in such excluded records or to copy or issue  
59 a copy of all or any part of such record except upon receipt of a  
60 proper judicial order issued by a Massachusetts court, or upon  
61 request of a person entitled to receive a certified copy of such  
62 record as provided by subsections (c) and (d) of this section, or  
63 section 2. The restrictions on the examination and issuance of  
64 copies of records contained in this chapter shall not apply to those  
65 records eligible for transfer to the archives of the commonwealth,  
66 as defined by subsection (a) and parallel records maintained by  
67 other custodians.

68 (c) The custodian shall upon receipt of a written application  
69 issue a certified copy of a birth or marriage record only to the reg-  
70 istrant, his or her spouse, children, parents, as named on a birth  
71 record, legal guardian, sibling, grandparent, grandchild, executor,  
72 or their respective authorized representative.—

73 Others may be authorized to obtain certified copies when they  
74 demonstrate to the satisfaction of the custodian that the record is  
75 needed for the determination or protection of his or her personal  
76 or property right. The custodian of vital records shall upon receipt  
77 of an application issue a report of fetal death only to the parent(s)  
78 or their respective authorized representative. Regulations promul-  
79 gated pursuant to section 4 of chapter 17 may outline administra-  
80 tive procedures by which the provisions of this subsection will be  
81 fulfilled.

82 (d) Federal, state and local governmental agencies may, upon  
83 written request, be furnished certified or special certified copies of  
84 records or data from the system of vital records and statistics pro-

85 vided that such copies or data shall be solely used in the conduct  
86 of their official duties. Such records may include those excluded  
87 from issuance of certified copies in subsection (c). Those records  
88 identified in section 13 as requiring a proper judicial order for  
89 access shall not be available to governmental officials without  
90 such order.

91 (e) The federal agency responsible for national vital statistics  
92 may be furnished such copies of records, reports, or data from the  
93 system of vital records and statistics as it may require for national  
94 statistics, provided such agency share in the cost of collecting,  
95 processing, and transmitting such records, reports or data; and  
96 provided further, that such records, reports or data shall not be  
97 used for any other than the statistical or research purposes pro-  
98 vided for in the agreement between the federal agency and the  
99 state agency. Any additional uses of the records, reports, or data  
100 must be approved by the process as described in section 24B of  
101 chapter 111.

102 (f) The state registrar may, by agreement, transmit copies of  
103 records and other reports required by this chapter to offices of  
104 vital statistics outside this state when such records or other reports  
105 relate to residents of those jurisdictions or persons born in those  
106 jurisdictions. The agreement shall specify the statistical and  
107 administrative purpose for which such records may be used and  
108 the agreement shall further provide instructions for the proper  
109 retention and disposition of such copies. Copies received by the  
110 state registry from vital statistics offices in other states shall be  
111 handled in the same manner as prescribed in this section. In no  
112 circumstances may such records received by the state registry be  
113 available for public examination, included in indices, or used for  
114 the purpose of issuing certified or special certified copies. Further,  
115 any such records transmitted by the state registrar to vital statistics  
116 offices outside this state may not be available for public examina-  
117 tion, included in indices, or used for the purpose of issuing certi-  
118 fied copies by the office receiving such records.

119 (g) All forms and procedures used in the issuance of certified  
120 and special certified copies of vital records in the state shall be  
121 uniform and shall be provided by the state registrar. All such certi-  
122 fied copies issued shall have security features that deter the docu-  
123 ment from being altered, counterfeited, duplicated or simulated

124 without ready detection. Each such copy issued shall show the  
125 date of registration and registration number. Copies issued from  
126 records that have been amended shall include that date unless pro-  
127 hibited by section 13 and a certificate of out of the commonwealth  
128 birth, marriage or death shall clearly state that the event did not  
129 occur in the commonwealth.

130 (h) An individual requesting a certified copy or special certified  
131 copy of a death record may specify that it not contain information  
132 relating to the cause of death. It is the duty of the custodian to  
133 comply with such request. No one shall be denied access to death  
134 records or cause of death information.

135 (i) A certified copy of a vital record, as defined by subsection  
136 (p) of section 1E or any part thereof issued in accordance with this  
137 section shall have the same force as the original and shall be  
138 prima facie evidence of the facts stated therein, provided that the  
139 evidentiary value of a delayed record of a vital event, or a record  
140 which has been amended, or a certificate of out of commonwealth  
141 birth, marriage or death shall be determined by the judicial or  
142 administrative body or official before whom the certificate is  
143 offered as evidence.

144 (j) Nothing in this section shall be construed to permit disclo-  
145 sure of information from the “Confidential information” form sub-  
146 mitted to the commissioner of public health pursuant to the  
147 provisions of section 24B of chapter 111 or information contained  
148 in a statistical record of divorce prepared pursuant to the provi-  
149 sions of section 6B of chapter 208.

150 (k) No person, including a notary public, shall prepare or issue  
151 any certificate which purports to be an original, certified or  
152 special certified copy, except as authorized in this chapter or regu-  
153 lations promulgated pursuant to section 4 of chapter 17. No  
154 person shall alter a certified copy or record referred to in sections  
155 2, 2A and 19 or use or reproduce such altered record. Whoever  
156 violates the provisions of this section shall be punished by a fine  
157 of not more than \$500.

1 SECTION 8. Said chapter 46 is hereby further amended by  
2 striking out section 7, as so appearing, and inserting in place  
3 thereof the following section:—



4 Section 7. The master or other commanding officer of a vessel  
5 shall give notice, with the facts required for record, of every birth  
6 or occurring among the persons under his charge. The certificate  
7 of a birth shall be given to the clerk of the town at which his  
8 vessel first arrives after such birth. The notice of a death and the  
9 completed certificate of death shall be filed with the board of  
10 health or, if the selectmen constitute such board, to the clerk of the  
11 town at which his vessel first arrives after such death.

12 Notice of the death shall be given to the office of the chief  
13 medical examiner who shall be responsible for completion of the  
14 certificate of death.

1 SECTION 9. Section 7A of said chapter 46, as so appearing, is  
2 hereby amended by striking out the last sentence.

1 SECTION 10. Section 9B of said chapter 46 is hereby repealed.

1 SECTION 11. Section 10 of said chapter 46 is amended by  
2 striking out the words “ten dollars” and inserting in place thereof  
3 the words “fifty dollars”.

1 SECTION 12. Section 11 of said chapter 46, as so appearing, is  
2 hereby amended by striking out in line 2 the words “forthwith  
3 obtain” and inserting in place thereof the following words: “upon  
4 receiving”.

1 SECTION 13. Section 12 of said chapter 46, as so appearing, is  
2 hereby amended by adding the following paragraph:—

3 Effective with the completion of the automation of current  
4 records as determined by the special vital records and statistics  
5 committee but no sooner than 1 January 2011, the transmitting of  
6 so-called resident copies of birth and death records, as provided in  
7 this section shall cease. Thereafter, the state registrar will transmit  
8 at least quarterly to town clerks in the commonwealth a list of  
9 their resident births, deaths and burials that have occurred in the  
10 commonwealth. The information to be included in said lists will  
11 be specified by regulations promulgated pursuant to section 4 of  
12 chapter 17.

1 SECTION 14. Section 14 of said chapter 46, as so appearing, is  
2 hereby amended by striking out, in line 2 the words “fifty dollars”  
3 and inserting in place thereof the following words:— \$5,000.

1 SECTION 15. Section 15 of said chapter 46, as so appearing, is  
2 hereby repealed.

1 SECTION 16. Said chapter 46 is hereby amended by striking  
2 out section 16, as so appearing, and inserting in place thereof the  
3 following section:—

4 Section 16. The state registrar shall prepare and furnish to the  
5 clerks and boards of health of towns, physicians, hospitals, pro-  
6 bate and district courts, and others involved in the preparation and  
7 registration of vital records, forms for returns, on paper of uni-  
8 form size, and any necessary instructions and explanations. Such  
9 forms used for permanent records shall meet any regulations of  
10 the supervisor of Public Records. Any forms for returns and other  
11 materials not supplied by the state registrar must be approved by  
12 the state registrar and the special vital records and statistics com-  
13 mittee and be subject to any applicable regulations of the super-  
14 visor of public records. Any electronic program for the  
15 preparation, collection, storage or issuance of vital records, not  
16 part of the statewide system, must be approved by the state regis-  
17 trar and the special vital records and statistics committee and shall  
18 be subject to any applicable regulations of the Supervisor of  
19 Public Records.

1 SECTION 17. Section 17D of Chapter 46, as appearing in the  
2 1998 Edition, is amended by striking out in lines 5 to 11, as  
3 appearing in the 1998 edition, the second and third sentences and  
4 inserting in place thereof the following sentences:—

5 If a delayed record of birth or death or other return of birth or  
6 death is recorded by the state registry, the state registrar shall  
7 transmit a certified copy of the record of birth or death to the clerk  
8 in the town where the birth or death occurred.

9 If a delayed record of marriage or other record of marriage is  
10 recorded by the state registry, the state registrar shall transmit a  
11 certified copy of a delayed record of marriage or other record to  
12 the town clerk where the original intention of marriage is filed.

1     SECTION 18. Said chapter 46 is hereby amended by striking  
2 out sections 18 and 19 and inserting in place thereof the following  
3 two sections:—

4     Section 18. Copies transmitted or retained under sections 17 to  
5 17D, inclusive, shall be typewritten or reproduced in actual size  
6 by photographic or micrographic process or approved electronic  
7 process. Any forms and formats reproduced must have prior  
8 approval of the state registrar and meet any standards established  
9 by the supervisor of public records and regulations promulgated  
10 by the department.

11     Section 19. The record of the custodian relative to a birth, mar-  
12 riage or death shall be prima facie evidence of the facts recorded,  
13 but nothing contained in the record of a death which has reference  
14 to the question of liability for causing the death shall be admis-  
15 sible in evidence. Upon the written request of a person to whom  
16 the record relates or of either of his parents, the custodian shall  
17 issue a certified copy of a birth record containing no reference to  
18 the color of said person or his parents or the name of the parent or  
19 parents.

1     SECTION 19. Section 19A of chapter 46, as appearing in the  
2 1998 Edition is hereby repealed.

1     SECTION 20. Section 19B of chapter 46 as appearing in the  
2 1998 Edition is hereby repealed.

1     SECTION 21. Section 19C of said chapter 46, as so appearing,  
2 is hereby amended by striking out in line 1, the words “commis-  
3 sioner of public health” and inserting in place thereof the  
4 following words:— “state registrar”.

1     SECTION 22. Section 24 of said chapter 46, as so appearing, is  
2 hereby repealed.

1     SECTION 23. Section 25 of said chapter 46, as so appearing, is  
2 hereby repealed.

1 SECTION 24. Said chapter 46 is hereby further amended by  
2 striking out sections 26 and 27, and inserting in place thereof the  
3 following two sections:—

4 Section 26. The town clerk shall receive the following fees  
5 from the town upon presenting to the town treasurer a certificate  
6 certified by the state registrar listing the types and number of  
7 birth, marriage and death records registered by the town clerk. For  
8 each birth, marriage or death, two dollars.

9 He shall also receive from the town the following fees: For  
10 each certificate transmitted under section 12 of this chapter, 50  
11 cents; receiving and recording an affidavit and forwarding a copy  
12 thereof under section 13, \$1.00; for sending the notice required by  
13 section 23, 50 cents; for each oath administered in his capacity as  
14 clerk, 50 cents. A town may limit the aggregate compensation  
15 allowed to its clerk.

16 Section 27. A custodian refusing or neglecting to perform any  
17 duty required of him under this chapter shall be punished by a fine  
18 of not less than one hundred or not more than one thousand dol-  
19 lars per violation. Fines recovered for violation of this section  
20 shall be deposited into the state archives trust fund (0511-1100)  
21 and be specifically designated for the automation, preservation  
22 and modernization of vital records administered by the archives.

1 SECTION 25. Section 28 of said chapter 46, as so appearing, is  
2 hereby amended by inserting after the word “oath”, in line 1, the  
3 following words “or affirmation” .

1 SECTION 26. Section 30 of said chapter 46, as so appearing, is  
2 hereby amended by inserting after the word “clerk” in line 5, the  
3 following words:— “state registrar”

1 SECTION 27. Section 30 of said chapter 46, as so appearing, is  
2 hereby further amended by striking out in line 1, the word “hun-  
3 dred” and inserting in place thereof the following number:—  
4 \$1,000.

1 SECTION 28. Said chapter 46 is hereby further amended by  
2 adding the following three sections:—

3     Section 31. There will be a permanent special vital records and  
4 statistics committee to oversee the overall improvement including  
5 preservation and automation of the vital records and statistics  
6 system in the commonwealth, and shall be established no later  
7 than January 1, 2007. Physical preservation of the records shall  
8 constitute an integral part of any system-wide improvement plan.  
9 The permanent special vital records and statistics committee shall  
10 oversee and approve expenditures of any funds to pay for  
11 improvement. The committee shall consist of 19 members  
12 including the State Registrar who shall serve as chairman and the  
13 Archivist of the Commonwealth and the Supervisor of Public  
14 Records; all other members shall serve for three-year terms, with  
15 initial terms staggered with five one-year, five two-year, and five  
16 three-year terms. The committee shall include two town clerks  
17 selected by the Massachusetts Town Clerks' Association, at least  
18 one of whom shall be from a town with a hospital having a mater-  
19 nity unit; two city clerks or a city clerk and a registered selected  
20 by the Massachusetts City Clerks' Association, at least one of  
21 whom shall be from a city with a hospital having a maternity unit;  
22 one member each selected by the New England Historic  
23 Genealogical Society, the Massachusetts Genealogical Council,  
24 the Massachusetts Historical Society, the Massachusetts News-  
25 paper Publishers Association, the Massachusetts Medical Society,  
26 the Massachusetts Hospital Association, the Massachusetts Public  
27 Health Association, and the Massachusetts Funeral Directors  
28 Association. The commissioner of public health shall appoint four  
29 additional members, including a lawyer practicing family law and  
30 three members with expertise from each of the following areas:  
31 medical research, epidemiology, and electronic data collection and  
32 management. The reasonable travel expenses of members of the  
33 committee shall be paid out of department of health funds. The  
34 special vital records and statistics committee shall meet at least  
35 quarterly and twelve members shall constitute a quorum for the  
36 purpose of conducting business. This committee shall be required  
37 to develop an overall plan for the automation, improvement, and  
38 preservation of the statewide vital records and statistics system  
39 throughout the commonwealth.

40     Such plan shall posit one, three, five and ten year goals and  
41 objectives for the automation, improvement and preservation of

42 the system. All such plans for the automation of the system must  
43 concurrently consider the need for the preservation of the records  
44 so automated. Routine administration of expenditures from any  
45 fund related to such automation will be directed by a five-person  
46 executive subcommittee of the special vital records and statistics  
47 committee. The executive subcommittee shall be composed of the  
48 State Registrar, the Archivist of the Commonwealth, the Super-  
49 visor of Public Records, one town clerk and one city clerk or reg-  
50 istrar. The town clerk or city clerk or registrar on the executive  
51 subcommittee shall be rotated annually between the representa-  
52 tives of the city and town clerk association representatives on the  
53 special vital records and statistics committee. The special vital  
54 records and statistics committee shall be required to authorize all  
55 expenditures over the sum of \$1,000.

56 All funds generated by the archives of the commonwealth or  
57 designated by the special vital records and statistics committee for  
58 the activities at the archives shall be segregated and deposited into  
59 the state archives trust fund and be specifically designated for the  
60 automation, preservation and modernization of vital records  
61 administered by the state archives.

62 Section 32. To protect the integrity of vital records and to pre-  
63 vent fraudulent use of birth certificates of deceased persons, the  
64 state registry is hereby authorized to match birth and death certifi-  
65 cates, and if the state registrar is satisfied that the death certificate  
66 and the birth certificate refer to the same person, he shall make  
67 note of the facts of death on the birth certificate. After such  
68 matching, the state registrar shall provide appropriate information  
69 to the town clerks who shall mark the records in their custody and  
70 similarly mark records issued by them.

71 Section 33. Notwithstanding any provisions of law to the con-  
72 trary, provisions for town clerks to forward subsequent original  
73 records of birth, death and marriage to the state registry shall not  
74 commence until the state registry's arrangements for the storage  
75 and maintenance of vital records in a state owned building,  
76 including the environmental and physical security needs and pro-  
77 visions for access by researchers to the original documents in a  
78 state owned building, meets the requirements of the Supervisor of  
79 Public Records relating to storage and maintenance of permanent

80 public records and has been approved by the Supervisor of Public  
81 Records.

1 SECTION 29. The second paragraph of section 2 of chapter 111  
2 of the General Laws, as appearing in the 1999 Official Edition, is  
3 hereby amended by striking out the fourth sentence of the second  
4 paragraph and replacing it with the following sentence:—

5 The commissioner shall, as soon as is reasonably practicable,  
6 create an index to the records and maintain the birth, death, mar-  
7 riage and divorce records in a manner appropriate for permanent,  
8 public records with indexes thereto and shall retain their custody  
9 until records and indexes are sent to the state archives.